

## DEPUTY ASSESSOR WINS HIS CASE IN DISTRICT COURT

But County Commissioners Will Appeal to the Supreme Court of the State—Judge Harris Decides That County Board Cannot Confirm Appointments at the Pleasure of the Board—Commissioners Feel That the Decision Is Not in Line With Economy or Efficiency.

The mandamus case of J. A. Mathews against Weber county came up for final hearing in Judge N. J. Harris' division of the district court this morning, the court granting the writ which requires that the county board of commissioners shall pay a salary amounting to \$42 for work done in the county assessor's office by the plaintiff, a deputy assessor, in October of last year. The commissioners stated, after the decision that the case will be appealed to the supreme court.

The decision on the case hinged almost exclusively on a question of law as none of the facts in the case were in controversy. In the early part of the year the appointment of the plaintiff as deputy county assessor and fixed the salary at \$3 a day "at the pleasure of the board." For a time, in the summer months, there was not sufficient work in the office to require the services of all the deputies and some of them were not called to the office by the assessor. In October, however, the assessor advised the board that he had placed at work Deputies Mathews and Gibson on certain blotters at the regular salary.

At that time the commissioners passed a resolution to the effect that the work could be done by the assessor himself and that there was no necessity for the services of the deputies alleging that Assessor Mathews was not attending to the duties of the office and that he should do the work himself. The board refused to endorse the action of the assessor and when the claims of the deputies for their salaries were presented, payment was refused. Then one of the deputies, J. A. Mathews, brother of the assessor, commenced mandamus proceedings to compel the board of county commissioners to pay his claim.

In his ruling this morning, Judge Harris stated that, under the law, there could be no confirmation of appointments "at the pleasure of the board" and that there could be "no limitations" to the confirmations, except as prescribed by law. The court stated, however, that the county commissioners might regulate the salary of a deputy, but that they could not well abolish it nor could the board dispense with the services of deputies called into the office by the principal.

"If this could be done," the court continued, "the board of county commissioners could finally abolish our county government." It was said after the proceedings, by Judge Harris, that in his opinion, if the county commissioners desired to restrict the county assessor in the number of his deputies at particular times, confirmations of deputies could be made for shorter periods and that they could legally refuse to confirm the appointment of deputies at times when the board considered they were not needed. It would then be up to the assessor to show to the courts the necessity for the services of deputies.

Speaking of the decision, Commissioner Hunter stated that neither he nor the other members of the board were satisfied with it and that the question would be taken to the supreme court for a ruling. "It seems to me," he said, "that it leaves the board of commissioners in a position without much authority in the regulation of county affairs. If we cannot exercise power in the matter of seeing to it that all the offices of the county are properly conducted and regulate them on the basis of economy and efficiency there is not much for us to do, and we feel that the matter should be settled at this time. The board of commissioners has at heart the best good of the county, nothing more, and the members have considered all the time that they were acting within the scope of the law when they undertook to curtail expenses in the assessor's office."

## WM. ECCLES SAYS HE HAS BEEN ILL

Last evening, in Judge J. A. Howell's court, William Eccles appeared to show cause why he should not be punished for contempt of court in not paying alimony for the support of a minor child, in the divorce case of Maud F. Eccles against William Eccles, and he testified in his own behalf to the effect that he was not financially able to pay the amount.

Mr. Eccles stated that, at divers

times since the divorce was granted and the order for alimony of \$20 a month made, he had been ill and that his earnings had been meagre. The plaintiff claimed alimony at \$20 a month from December, 1911, to the present time. It was agreed by counsel for the parties that deposition of William H. Eccles should be submitted to the court and that a decision be given at a future time.

## FINANCIAL REPORT OF CITY AUDITOR FOR FEBRUARY

The financial report of City Auditor A. F. Larson for the month of February shows that the expenditures exceeded the receipts in the sum of \$1,325.55, the greater receipts and expenditures being in the department of public affairs and finance, water supply and water works. The next heaviest expenditure was in the street department, the amount being \$6,404.48.

A recapitulation of the report follows:

**Receipts.**  
Department of public affairs and finance \$37,329.32  
Department of water supply and water works 6,392.22  
Department of public safety 554.00  
Department of streets and public improvements, parks and public property 402.92

Total receipts \$44,678.46

**Expenditures.**  
Department of public affairs and finance \$33,998.55  
Department of water supply and water works 5,600.98  
Department of streets and public improvements, parks and public property 6,404.48

Total expenditures \$46,004.01

## PARKS RECEIPTS

Cash on hand, February 1, 1914 \$50.47

From general fund on 1913 appropriation 500.00

Total \$550.47

## DISBURSEMENTS

Pay roll \$270.00

Miscellaneous claims 22.20

Total \$292.20

Cash on hand February 28, 1914 \$258.27

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G. Fell and an address in response will be made by Commander Gardiner. After this there will be a "closed session," at which the business of the encampment will be done. In the afternoon, conventions of the Women's Relief Corps and the Ladies of the G. A. R. will be held; the former in the Eagles hall on Hudson avenue and the latter in the I. O. O. F. hall in the Fraternity block. From 6 to 7:30 o'clock dinner will be served at the Reed hotel at which the guests will be National Commander and his staff, the new state commander and his staff and the local committee.

Later in the evening the principal social event will take place at the Woodmen of the World hall. This will be a "campfire" to which the general public is invited.

At the meeting last night the local post decided to urge the merchants and citizens to decorate Saturday in honor of the National commander of the G. A. R. and the Grand Army encampment.

People generally are requested to display the flag.

**Program of the Day.**

The program of the day in detail will be as follows:

9:30 a. m., Automobile ride through Ogden canyon and to other points of interest.

11:30 a. m., Meeting at W. O. W. hall.

Address of Welcome, Mayor A. G. Fell.

Response, National Commander Gardner.

12:15 p. m., Adjournment for luncheon.

2 p. m., Reports of committees, election and installation of officers.

7:30 p. m., "Campfire" program.

Duet, "Slumber Song."

Alice Francis and Norma White.

Remarks by prominent veterans.

Song, "Old Flag Forever."

Women's Relief Corps.

Address, Comrade E. T. Hulaniski.

Song, "Oh See Our Banner Floating Over Us" (C. B. Holding).

Address, Mrs. Grace Russell-Bartlett.

Address, Hon. A. R. Haywood.

Song, "The Flag Without a Stain" (C. A. White).

Song, "The Sword of Bunker Hill" (B. Covert).

Song, "My Dream of the U. S. A." (Synder).

Address, National Commander Washington Gardner.

Hymn, "God Keep You Till We Meet Again." Women's Relief Corps.

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## ROLAPP RESIDENCE IS DAMAGED BY A FIRE

The home of Judge H. H. Rolapp, 2522 Madison avenue, was damaged by fire yesterday afternoon to the estimated extent of \$2500. The chief damage was the burning of books and manuscripts in the judge's law library but considerable damage was also done to the interior decorating and woodwork of several of the rooms. Two attic rooms were badly burned and a part of the roof was burned to an extent that it will require reshingling.

The fire was discovered by members of the family and the fire department was immediately called. After the wagons arrived the men worked from the inside of the house with chemicals and from the outside with water until the fire was put out.

The exact origin of the fire, which was discovered at 3:30 o'clock, has not been determined. The firemen are inclined to believe that it resulted from sparks firing the roof, while members of the Rolapp family think it was caused by defective electrical wiring. Mr. Rolapp and the members of his family will not be able to occupy the residence until extensive repairs have been made. Damage to the house and furniture is covered by insurance.

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